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## FINDING AND RECOMMENDATION(S)

**Submitted by:** The Permit Streamlining Working Group

### **Finding: Improve Agency Coordination and Eliminate Redundant Regulatory Roles**

Currently within the California portion of the Lake Tahoe Basin, the Lahontan Water Board requires fuel reduction project proponents to apply for a timber waiver that includes a project description. When the project involves the potential to significantly affect water quality, Lahontan also requires project proponents to submit an inspection plan and report inspection results. CAL FIRE, as Lead Agency for environmental review regarding commercial timber harvesting in California on non-federal lands, is responsible for ensuring the California Forest Practice Act is met (except on California State Parks land since State Parks is exempt from the Forest Practices Act). CAL FIRE and the statutory Interdisciplinary Review Team, including TRPA and the Lahontan Water Board, depend upon office and field review of timber harvesting documents to ensure water quality, aquatic resources, and all other natural resources are protected. TRPA has MOUs or other agreements with the California Tahoe Conservancy, State Parks, and the U.S. Forest Service that allows it to remove trees under specific circumstances and conditions. For projects of a certain size, TRPA requires additional project information to be submitted.

~~In-Within~~ California, ~~since many~~ the majority of the non-federal fuel reduction projects are non-commercial or occur on California State Park lands ~~State Parks~~. CALFIRE has no permitting authority related to tree harvesting other than ensuring achievement of fire protection regulations ~~limited or no jurisdiction over these projects~~. For these projects, TRPA and Lahontan provide regulatory oversight. These larger-scale projects on the California side of the Tahoe Basin pose greater risks to water quality. Precipitation on the California side is on average twice the amount of the Nevada side of the Lake Tahoe basin. Within the northwest quadrant of the basin, volcanic soils are comprised of greater numbers of finer particles with greater potential for erosion. These factors increase the risk from ground disturbing activities of delivering greater number of fine particles to Lake Tahoe, contributing to loss of clarity. See figures from the Lake Tahoe Watershed Model Report (Tetra-Tech, 2007) demonstrating precipitation and sediment yield differences between the California and Nevada sides of the Lake Tahoe basin.

~~In Nevada, (NEED WRITE-UP showing how no overlapping jurisdiction occurring if this is true — BRIAN or NDF, please provide information)~~

The State of Nevada has an inter-agency team that includes representatives from: the Department of Wildlife, Division of Forestry, Division of State Parks, and Division of State Lands. The Nevada Tahoe Resource Team (NTRT) is responsible for implementing projects in all resource disciplines on Nevada State Lands within the Tahoe Basin. The Division of State Parks and Division of State Lands (urban lots) have MOU's with TRPA that define exempt and qualified exempt (QE) activities. These projects must comply with applicable Best Management Practices and all provisions of TRPA code.

Nevada forest practice laws are administered by the State Forester and do require permitting for certain activities. Permits required for logging, cutting within 200 feet of a body of water, or operating equipment on slopes greater than 30% are handled by the NTRT member managing the project who coordinates with the Western Region office (NDF) to obtain the necessary permits. State law specifies that action be taken on a logging permit application and streamzone variance permit within 45 days. If a project involves equipment operating in a body of water, permits must be obtained from the Division of Environmental Protection (NDEP).

### **Recommendation:**

For projects on the California portion of the Lake Tahoe Basin, the Commission recommends the Lahontan Water Board and TRPA develop and implement a coordinated project review process that clearly identifies what information is needed for project submittals, provides for a single application, identifies best management practices to be followed, and specifies expedited review times. This process shall eliminate redundancies and overlap by the two agencies by requiring individuals from either agency to provide the expertise needed to review a given project or project component. The Commission further recommends the Lahontan Water Board and TRPA revise and expand its MOU to delegate authority to permit vegetation and tree removal projects to one agency, eliminating the need for both agencies to permit.

### **Impacts of Implementation:**

REQUIRED analysis of impacts on the following factors:

- ☐ Cost – reduces landowner costs by removing redundant permit applications and processing. Cost to amend existing MOUs, permits and waivers.
- ☐ Funding source – none
- ☐ Staffing – existing staff resources will be shared since redundant and overlapping review will be eliminated.
- ☐ Existing regulations and/or laws – no changes required.

OPTIONAL analysis of impacts:

- ☐ Operational – requires single project submittal to one agency
- ☐ Social – none

- ☐ Political – positive political demonstration of streamlining by public agencies.
- ☐ Policy - none
- ☐ Health and Safety – assists landowners in meeting fuel reduction objectives.
- ☐ Environmental – assists landowners in reducing the potential for a catastrophic wild fire. Environmental analyses will be required to amend MOUs and modify timber waiver. No significant adverse environmental impacts anticipated.
- ☐ Interagency – requires coordination between TRPA and Lahontan.